

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:13-cv-00046-MOC-DLH

MARK KEVIN MILLER,

Plaintiff,

Vs.

WAL-MART,

Defendant.

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ORDER

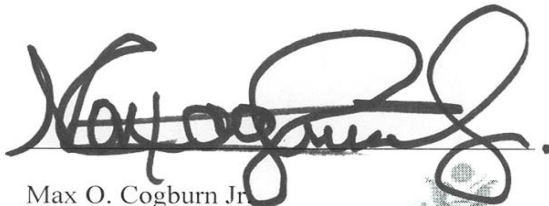
THIS MATTER is before the court on review of plaintiff's "Opposition to Defendant's Bill of Costs" (#91), which was filed outside the time allowed to object to the Clerk of Court's Taxation of Costs (#90). Despite such untimeliness, the court has considered plaintiff's objection.

Read in a light most favorable to the *pro se* litigant, plaintiff argues that he should be taxed with the cost of the deposition trial because it was not used at trial or a hearing. Plaintiff overlooks that the deposition transcript was used by defendant in support of its Motion for Summary Judgment, which is a use that satisfies 28 U.S.C. § 1920(2); L.Cv.R. 54.1(F)(1). The fact that plaintiff did not hire the court reporter is not a relevant consideration. The Clerk of Court's findings to such effect in his Taxation of Costs are, therefore, consistent with current law. The objection is, therefore, overruled.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's "Opposition to Defendant's Bill of Costs" (#91) is **OVERRULED**.

Signed: October 29, 2015



Max O. Cogburn Jr.
United States District Judge

